

ant equally bound with the other defendants to contribute to the support of the plaintiff, John Tolson ; that he was swearing against his own interest, in like manner, as against his co-defendant's, and that every objection, therefore, to his proof coming from himself and his associates should be regarded with some degree of jealousy. The deposition, as has been stated, was taken in September, 1851, and was returned to, and filed, and has remained in this court since the 15th of November, 1852, without a whisper from any quarter that there was any mistake or misapprehension in the nature or purport of the answers given by him to the questions until the petition of himself and others was filed on the 30th of July last. The Auditor, in the mean time, had made his report, founded in part upon this evidence. This report was filed prior to the commencement of the recent July term of this court, and was submitted on the part of the complainant on the 19th of that month, during the sittings ; exceptions having been filed thereto by both parties, and at the close of the sittings was in strict conformity with the practice laid before the Chancellor for his decision. It was in this state of the case, after the sittings of the term had expired, that a petition was filed by the same Edward Tolson and others, alleging errors committed by the commissioner in writing down his testimony, exhibiting in writing, and in the form of a deposition, what he alleges was, or was intended to be, his proof before the commissioner, and praying that the commission may be remanded, thus causing additional delay, or that the complainants may be required to admit the corrections of the proof the witness displayed upon the face of this paper.

My opinion is, that neither alternative of this application can be granted. The proof had been taken, and lying in the office of the register of this court for upwards of eight months, subject to the inspection and examination of all parties, and the Auditor's report, founded upon it, was likewise filed prior to the commencement of the recent term. To this report both parties filed exceptions, but no complaint was heard that the proof of Edward Tolson was not reduced to writing correctly